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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/612,810 | 07/01/2003 | Gregory M. Allen | 067470.0161 | 6112 |

7590 01/25/2005
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EXAMINER

HABERMEHL, JAMES LEE

ART UNIT PAPER NUMBER

2651

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/612,810 | Applicant(s) ALLEN ET AL. | |
| | Examiner James L Habermehl | Art Unit 2651 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 is/are allowed.
- 6) ☒ Claim(s) 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 30-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al.

Gomez et al. Figures 2 and 5-12 meet all the limitations of claim 30, including a control portion (150/142/152), an operational mode (608, Figure 8), converts as a polynomial function a desired write position into a corresponding read position compensating for the write/read portion spacing (cols. 15-16), and positioning the read portion at the corresponding position while writing information (610).

Gomez et al. Figures 2 and 5-12 meet all the limitations of claim 31, including converting as a polynomial function a desired write position into a corresponding read position compensating for the write/read portion spacing (cols. 15-16), and positioning the read portion at the corresponding position while writing information (610).

Gomez et al. Figures 2 and 5-12 meet all the limitations of claim 32, including a control portion (150/142/152), using said head to write selected information and then reading back said selected information to determine read/write portion spacing compensation information (608,

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Figure 8), and subsequently writing information as a function of said compensation information (610).

Gomez et al. Figures 2 and 5-12 meet all the limitations of claim 33, including moving said head adjacent and relative to the medium while using said head to write selected information and then reading back said selected information to determine read/write portion spacing compensation information (608, Figure 8), and subsequently writing information as a function of said compensation information (610).

4. Claims 1-29 are allowed over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 16 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose an apparatus and method comprising responding to insertion of a cartridge having an information storage medium for moving said head adjacent to the medium, determining compensation information relating to the spacing between said read and write portions, said receiving unit subsequently effecting writing of information with said head as a function of said compensation information, as presented in the environment of claims 1 and 16. It is noted that the closest prior art, Gomez et al., shows a similar method for head offset measurements. However, Gomez et al. fails to disclose being responsive to insertion of a cartridge having an information storage medium for moving said head adjacent to the medium while using said head to write selected information to the medium and then performing the compensation as claimed.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishii Figures 13-16 and Teo et al. Figures 2 and 8-9 show determining offset using a polynomial function. Pham et al. Figures 1 and 5-6 Carlson Figures 2-8 and col. 5, lines 11-12, and Plonczak Figures 36-37d show determining runout on a removable medium.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L Habermehl whose telephone number is (703)305-6975. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Habermehl/jlh
13 Jan 05



SINH TRAN
SUPERVISORY PATENT EXAMINER